

ORIGINAL

FILED

UNITED STATES COURT OF APPEALS

APR 20 2006

FOR THE NINTH CIRCUIT

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

ABRAHAM KAULIA,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CR-00-00445-HG  
No. 06-71057

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

ORDER

APR 24 2006  
at 1 o'clock and 30 min. P  
SUE BEITIA, CLERK

Before: KOZINSKI, RYMER and PAEZ, Circuit Judges.

The application for authorization to file a second or successive 28 U.S.C. § 2255 motion in the district court is denied because the Supreme Court has not made retroactive the cases cited by petitioner. Petitioner has not made a prima facie showing under 28 U.S.C. § 2255 of:

(1) newly discovered evidence that, if proven and viewed in light of the evidence as a whole, would be sufficient to establish by clear and convincing evidence that no reasonable fact finder would have found the defendant guilty of the offense; or

(2) a new rule of constitutional law, made retroactive to cases on collateral review by the Supreme Court, that was previously unavailable.

06-71057

No petition for rehearing or motion for reconsideration shall be filed or entertained in this case. *See* 28 U.S.C. § 2244(b)(3)(E).

**DENIED.**

Judge Rymer concurs in the result.

A TRUE COPY  
CATHY A. CATTERSON  
CLERK OF COURT  
ATTEST

APR 20 2006

by: \_\_\_\_\_

Deputy Clerk